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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,865	03/04/2004	Hideyuki Yamane	2004_0325A	3763
513	7590	11/04/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			WHITTINGTON, KENNETH	
			ART UNIT	PAPER NUMBER
			2862	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

BV

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/791,865	YAMANE ET AL.
	Examiner Kenneth J. Whittington	Art Unit 2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



Bot Ledynh  
Primary Examiner

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/4/04.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

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**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- 6        A person shall be entitled to a patent unless -  
          (b) the invention was patented or described in a printed publication in this or  
          a foreign country or in public use or on sale in this country, more than one  
          year prior to the date of application for patent in the United States.  
12      (e) the invention was described in (1) an application for patent, published  
          under section 122(b), by another filed in the United States before the  
          invention by the applicant for patent or (2) a patent granted on an  
          application for patent by another filed in the United States before the  
          invention by the applicant for patent, except that an international  
          application filed under the treaty defined in section 351(a) shall have the  
          effects for purposes of this subsection of an application filed in the  
18      United States only if the international application designated the United  
          States and was published under Article 21(2) of such treaty in the English  
          language.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Gambino et al. (US 5,422,621). Regarding these claims, Gambino et al. discloses a granular magneto-resistive sensor comprising:

- a substrate (See Gambino et al. FIG. 3, item 20);  
a sensing layer formed on the substrate for detecting a magnetic field comprising a magneto-resistive film of a granular structure (See FIG. 3, item 38 and col. 3, lines 40-65);  
30      two terminal layers formed on the substrate and jointed to the layer formed on along opposite side edges of the sensing

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layer extending generally parallel to each other (See FIG. 3, item 46 and 48).

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (US 6,642,714). Regarding these 6 claims, Kobayashi et al. discloses a granular magneto-resistive sensor comprising:

a substrate (See Kobayashi et al., note thin film arrangement shown in FIG. 4, is on a substrate);

a sensing layer formed on the substrate for detecting a magnetic field comprising a magneto-resistive film of a granular 12 structure (See FIG. 4, item 7);

two terminal layers formed on the substrate and jointed to the layer formed on along opposite side edges of the sensing layer extending generally parallel to each other (See FIG. 4, items 6).

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### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art shows varying designs for magneto-resistive sensors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth

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J. Whittington whose telephone number is (571) 272-2264. The examiner can normally be reached on Monday-Friday, 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications 12 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Kenneth J Whittington  
Examiner  
Art Unit 2862